



CITY OF KIRKLAND

Planning and Community Development Department
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www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager **QUASI JUDICIAL**

From: Eric Shields, Planning Director
Tony Leavitt, Associate Planner

Date: July 24, 2008

Subject: Houghton Transfer Station Mitigation Project, ZON07-00039 and APL08-00008

RECOMMENDATION

Per the direction given at the July 15th City Council Meeting, consider the zoning permit application and grant the application as recommended by the Hearing Examiner.

A Resolution reflecting the recommendation of the Hearing Examiner is enclosed.

This application is subject to the disapproval of the Houghton Community Council. The decision of the City Council will not be effective unless and until it is affirmed by the Community Council.

RULES FOR CITY COUNCIL CONSIDERATION

The City Council shall consider the Zoning Permit application based on the record before the Hearing Examiner and Houghton Community Council, the recommendation of the Hearing Examiner, the challenge to the recommendation and the response to the challenge to the recommendation.

BACKGROUND DISCUSSION

At the July 15th City Council Meeting, this project was brought before the City Council for their consideration. For a copy of this agenda item, click on the following link:

http://www.ci.kirkland.wa.us/_shared/assets/HoughtonTransferStationMitigationProject.pdf

At this meeting the Council heard from Staff, the applicant, and Mr. Andrew Held (the Challenger). After hearing from these parties, Council directed Staff to return to the August 5th Meeting with a resolution that reflected the Hearing Examiner's Recommendation for Approval with Conditions.

RESOLUTION. R-4716

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON07-00039 BY KING COUNTY DEPARTMENT OF NATURAL RESOURCES AND PARKS, SOLID WASTE DIVISION BEING WITHIN A PARK ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by King County Department of Natural Resources and Parks, Solid Waste Division, representing the owner of said property described in said application and located within Park zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, King County Department of Natural Resources and Parks, as SEPA Lead Agency, performed SEPA review for the application; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application has been submitted to the Hearing Examiner who held hearings thereon at her special meetings of April 28, 2008 and May 27, 2008; and

WHEREAS, the Hearing Examiner after her public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions, and Recommendation and did recommend approval of the Process IIB permit subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner, as well as a timely filed challenge of said recommendation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The findings, conclusions, and recommendation of the Hearing Examiner as signed by the Hearing Examiner and filed in the Department of Planning and Community Development File No. ZON07-00039 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB permit is subject shall be grounds for revocation in accordance with Ordinance 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding any recommendation heretofore given by the Houghton Community Council, the subject matter of this resolution and the permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendation adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A copy of this resolution, together with the findings, conclusions, and recommendation herein adopted shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee.

PASSED by majority vote in open meeting of the Kirkland City Council on the _____ day of _____, 20____.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20____.

Mayor

Attest:

City Clerk